

Remarks

Claims 9 – 19, 22, and 24 - 29 are pending. Claims 1 – 8, 20 – 21 and 23 have been cancelled.

Restriction Requirement

The Examiner has held that the claims are directed to more than one species of the generic invention and lack unity of invention. The Examiner has pointed to four species:

Species 1 – figure 1

Species 2 – figure 6

Species 3 – Figure 7

Species 4 – Figure 9

The Examiner did not identify any generic claim.

Applicant notes that the claims are directed to a fail-safe device for a bone implant wherein the fail-safe apparatus has two movement-accommodating mechanisms: one to allow the prosthetic limb to tilt away from axial alignment and the other to allow twisting/axial rotation of the prosthetic limb without twisting/rotating the bone implant. The combination of both mechanisms is shown in FIG. 1 and described on page 6 as elements 5 and 4 respectively. FIG. 2 depicts the apparatus of FIG. 1 with only the tilting mechanism 5. The axial rotation, or clutch, mechanism 4 is removed. The tilting mechanism is shown in more detail in FIGS 3-6A. FIG. 7 also depicts the apparatus of FIG. 1, but with only the clutch mechanism 4. The bending/tilting feature 5 is removed. FIGS. 8 and 9 provide more detail of the clutch mechanism of FIG. 7.

Applicant respectfully submits that there are only two species present in the application. In order to advance prosecution, Applicant elects species 2 as identified above by the Examiner.

This species relates to the bending/tilting mechanism and appears in claims 9 – 19, 22 and 24 – 29.

Conclusion

If at any time the Examiner wishes to discuss this application, he is invited to call Becky Rudolph at (312) 346-2800.

Respectfully submitted,

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